

**REMARKS**

**REBUTTAL OF "NEW MATTER" REJECTION**

Applicant respectfully requests reconsideration of the Examiner's final rejection on the grounds that the Examiner's characterization of the new language added to the specification in the amendment filed on April 4, 2006 as being "new matter" is clearly not supported by the decisions of the courts and the USPTO. It is well established law that an amendment that merely clarifies or makes definite that which an originally filed application expressly or inherently disclosed does not violate the rule on new matter. In re Wright, 145 USPQ 182, 188 (CCPA 1965).

In this application, the original disclosure clearly inherently discloses that "something" is initiating the coordinated movements of the components of the machine. More specifically, in Applicant's disclosure, "something" not explicitly disclosed is synchronizing the movements of the mold die S, assembly platform M, extruders PE, PP and ejectors in order to effect the method of manufacture disclosed in the application. The Examiner's seemingly purposeful reading of the disclosure as not disclosing "anything" that coordinates the movements of the components of the machine to effect the method manufacture disclosed in the application does not take into account the knowledge of those of ordinary skill in the art. It is respectfully submitted that the Examiner must view the amendment to the specification, at paragraph no [0043], and the drawing amendment to Figures 10 and 11, through the eyes of one of ordinary skill in the art in order to resolve the issue of whether the new language is "new matter" or not. Applicant respectfully submits that a person of ordinary skill in the art would have concluded that the disclosure inherently includes some kind of a conventional "programmable controller" in order to facilitate adjustments and timing. Furthermore, Applicant respectfully submits that he had in his possession

the subject matter claimed (Claims 10, 13-14, 17-18, and 26-28) at the time of filing of the application as required by the provisions of Sections 112 and 132 of the Patent Act and that the text added at paragraph [0043] does not expand or restrict the disclosure. Reconsideration of the Examiner's "new matter" rejection is respectfully solicited.

REBUTTAL OF 103(a) REJECTION BASED ON NISHIDA AND KAMIGUCHI

The Examiner has rejected both groups of claims, namely, a first group of Claims 10, 13-14, 17-18, and 26-28 (which mention the programmable controller) and a second group of Claims 11, 16 and 19-25 (which do not mention the programmable controller) based on the same two patents, namely Nishida and Kamiguchi.

As far as the application of these two references against the first group of claims, the fact that Kamiguchi discloses the use of a control device to control the ejectors has nothing what so ever to do with a control device for controlling the coordinated movements of the mold die S, the assembly platform M and the extruders PE and PP. The Examiner has provided no logic indicating how one would propose to modify the specific teaching in Nishida based on Kamiguchi to achieve an anticipating teaching of the invention set forth in the first group of claims. The Examiner owes to the Applicant a more detailed explanation of the logic in combining the aforesaid two references. Applicant respectfully submits that the Examiner will be unable to do this because both references lack any teaching of a controller for coordinating the movement of the aforesaid components of Applicant's machine.

As far as the application of the aforesaid Nishida and Kamiguchi references against the second group of claims, independent Claim 11 recites the feature that:

for each of successive injection cycles, the assembly holders are delivered in a changed position relative to positions in the injection molding die for the injection molded parts and hold the injection molded parts respectively following in an

assembly sequence at positions at which injection molded parts of at least one preceding assembly step are already positioned for insertion and plugging-in of the injection molded parts into the assembly holders.

The mold dies 10, 30 of the Nishida reference assemble together injection molded parts  $W_L$ ,  $W_U$  from the same assembly step, not a part from a current assembly step and a part from a preceding assembly step. The Examiner has interpreted one of the mold dies 30 of Nishida as reading on the claimed assembly platform. However, this claimed feature of holding an injection molded part respectively following in an assembly sequence at a position at which an injection molded part of at least one preceding assembly step is already positioned is not possible if one of the mold dies 10, 30 is read (according the Examiner's interpretation) as being an assembly platform. The mold dies 10, 30 will always place together for holding at a position parts formed in the same step. This above-noted, claimed feature is made possible by the structure of an assembly holder that is additional to the mold dies, and which is not taught by Nishida. For these reasons, Nishida does not establish a *prima facie* case of obviousness with respect to Claims 11 and 19-25.

Furthermore, the Kamiguchi reference does not provide any additional teaching that overcomes the deficiencies of the Nishida teaching. Kamiguchi discloses an ejector mechanism that is driven by a servo motor...nothing more. This reference does not even come close to addressing the specific deficiencies of Nishida mentioned by the Examiner on page 3 of the final rejection. The Examiner has failed to mention that Nishida also fails to disclose a holding of an injection molded part respectively following in an assembly sequence at a position at which an injection molded part of at least one preceding assembly step is already positioned. Kamiguchi does not address this particular deficiency in Nishida.

Therefore, Applicant respectfully submits that the first and second groups of claims are distinguishable from Nishida

and Kamiguchi as required by provisions of Title 35 USC 103(a).

REBUTTAL OF 103(a) REJECTION BASED ON NISHIDA AND BOUCHERIE

In regard to the Examiner's rejection of Claims 16 (the second group) and 28 (the first group), Claim 16 has been rejected under 35 U.S.C. § 103(a) as being obvious over Nishida in view of Boucherie (U.S. Pat. No. 6 379 139). This rejection is respectfully traversed based on the following arguments.

Claim 16 defines over the Nishida reference for the same reasons as explained above regarding the patentability of independent Claim 11 from which Claim 16 depends. Additionally, when the Boucherie reference is considered together with Nishida, Applicant notes that Boucherie does not cure the above-noted deficiencies of Nishida. Specifically, Boucherie does not provide a teaching or suggestion of holding an injection molded part respectively following in an assembly sequence at a position at which an injection molded part of at least one preceding assembly step is already positioned. Boucherie, as distinct from the claimed invention, does not teach assembling together any parts. Rather, Boucherie teaches moving parts from one mold die to another mold die for further injection molding. No assembly through plugging-in of parts is taught or suggested by Boucherie. For these reasons, Nishida and Boucherie do not establish a *prima facie* case of obviousness with respect to Claim 16.

As for Claim 28, it is admitted that Boucherie discloses a circular rotating disk and as noted by the Examiner. However, since Claim 28 depends directly from Claim 10, Boucherie does not add anything to the disclosures of Nishida to cure the deficiencies thereof as noted by the Examiner. Note that Claim 10 requires the parts to be molded and "plugged" into previously molded parts. This does not occur at all in the Nishida teaching. A structure that only molds

parts together does not suggest use of a structure that "plugs" parts into one another. Accordingly, Applicant respectfully submits that Claim 28 is allowable over the combination of Nishida and Boucherie.

Further and favorable consideration of this application is respectfully solicited.

Respectfully submitted,

  
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